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7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2010-395**

12 **KATHERINE C. DIMOF AKA KATHRYN**  
13 **DIMOFF**

14 **4716 SW 22nd Place**  
15 **Cape Coral, FL 33914**

16 **Registered Nurse License No. 605497**

**A C C U S A T I O N**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about August 28, 2002, the Board of Registered Nursing issued Registered  
24 Nurse License Number 605497 to Katherine C. Dimof aka Kathryn Dimoff (Respondent). The  
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought  
26 herein and expired on July 31, 2006.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Registered Nursing (Board),  
Department of Consumer Affairs, under the authority of the following laws. All section  
references are to the Business and Professions Code unless otherwise indicated.

1       4.     Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
4 Nursing Practice Act.

5       5.     Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
7 licensee or to render a decision imposing discipline on the license.

8       6.     Section 2761 of the Code states:

9       "The board may take disciplinary action against a certified or licensed nurse or deny an  
10 application for a certificate or license for any of the following:

11       "(a) Unprofessional conduct, which includes, but is not limited to, the following:

12       "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing  
13 functions."

14       7.     California Code of Regulations, title 16, section 1442, states:

15       "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from  
16 the standard of care which, under similar circumstances, would have ordinarily been exercised by  
17 a competent registered nurse. Such an extreme departure means the repeated failure to provide  
18 nursing care as required or failure to provide care or to exercise ordinary precaution in a single  
19 situation which the nurse knew, or should have known, could have jeopardized the client's health  
20 or life."

21       8.     Section 125.3 of the Code provides, in pertinent part, that the  
22 Board/Registrar/Director may request the administrative law judge to direct a licensee found to  
23 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
24 reasonable costs of the investigation and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 10. Respondent is subject to disciplinary action under section 2761(a)(1), in conjunction  
4 with Section 2725, for gross negligence as defined in California Code of Regulations, title 16,  
5 section 1442, in that on or about August 29, 2003, Respondent, while on duty as a circulating  
6 nurse at Marian Medical Center, and providing surgical care to a female, patient Delphine  
7 Martinez, failed to properly count every single lap sponge for patient Delphine Martinez's  
8 surgical procedure to remove the section of bowel with the cancerous tumor, constituting a severe  
9 departure from the standard of care for a circulating nurse.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 605497, issued to to  
14 Katherine C. Dimof aka Kathryn Dimoff.

15 2. Ordering Katherine C. Dimof to pay the Board of Registered Nursing the reasonable  
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
17 Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.  
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21 DATED: 2/22/10

22 Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant  
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